United Nations CERD/C/SR.2603

International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
5 December 2017

Original: English

Committee on the Elimination of Racial Discrimination
Ninety-fourth session

Summary record of the 2603rd meeting
Held at the Palais Wilson, Geneva, on Friday, 1 December 2017, at 10 a.m.

Chair: Ms. Crickley

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twentieth to twenty-third periodic reports of Belarus (*continued*) (CERD/C/BLR/20-23 and CERD/C/BLR/Q/20-23)

1. *At the invitation of the Chair, the delegation of Belarus took places at the Committee table.*

2. **Mr. Zhaunyak** (Belarus) said that the Supreme Court and the Supreme Economic Court had recently merged to form a single jurisdiction for criminal, economic and administrative matters. The merger and other reforms had strengthened the independence of the judiciary. The Supreme Court, for instance, had been given responsibility for matters that had once lain within the purview of the Ministry of Justice or other executive bodies. The competencies of the country's courts had been redefined in November 2017. Anyone who attempted to interfere with court proceedings could be prosecuted. Appeals concerning the constitutionality of laws or regulations could be brought before the Constitutional Court, although appeals brought by individuals had to pass through specific channels.

3. Disbarred lawyers could lose their licences. Free legal aid was offered to members of socially vulnerable groups, and a number of activities, including thematic workshops, were organized to raise people's awareness of their legal rights. Internet resources included a national legal portal and a website focused on children's law. A legal education plan had been adopted, and in July 2016 personnel from the Ministry of Justice had provided free consultations to more than 300 people. Ministry personnel had also been involved in thousands of initiatives relating to legal education and awareness in 2016, including speeches, statements to the media and meetings with associations.

4. **Ms. Radyshenko** (Belarus) said that the Constitution of Belarus and the law, in addition to the principles of mutual understanding and tolerance, informed the country's efforts to ensure inter-ethnic harmony. Some 200 organizations representing 26 national minorities were registered in Belarus. Those organizations were represented on the Inter-Ethnic Advisory Council, which discussed cooperation with the authorities and planned a number of major events. Representatives of the Government, civil society organizations and the mass media were sometimes invited to participate in the Council's meetings.

5. Newspapers, which received State funding, were published in Ukrainian, Lithuanian and other languages. Associations of Roma, German Tatars and others published bulletins or magazines in Russian or Belarusian with State support. A festival celebrating the diversity of the country's cultures, funded entirely by the State, was held every two years in Hrodna. The activities of the country's cultural associations were also subsidized by local authorities.

6. Cultural associations were involved in charitable work. For example, they provided support to schools and to low-income families or persons with disabilities. In addition, they bought Christmas gifts, subsidized by the State, for children living in orphanages and other institutions.

7. The Office of the Commissioner for Religious and Ethnic Affairs had a permanent photography exhibition, open to the public, showing scenes of cooperation between the Office and the country's associations of ethnic minorities. In 2015, the Office had made possible the publication of the fourth edition of a book on the country's diverse communities. Belarus had six registered Roma associations. They participated in international conferences of Roma associations and worked to integrate Belarusian Roma into modern life. In December 2004, the Office had begun providing a partial subsidy for the quarterly publication of a national bulletin for and about the Roma community of Belarus. It had been the first publication of its kind in the country. The Office also provided assistance for activities organized by Roma and other cultural associations, including, for instance, by facilitating the purchase of traditional dress.

8. **Mr. Golubitsky** (Belarus) said that consideration of the need to adopt a comprehensive anti-discrimination act was expected to continue until 2019, when a

decision would be taken on how to proceed. Civil society organizations were involved in the process. At a recent meeting, in fact, they had provided a blueprint for a comprehensive anti-discrimination bill. They had also submitted copies of anti-discrimination laws from other countries to the Government, which was currently conducting a comparative analysis to identify possibly inadequate Belarusian laws.

9. People who believed that their rights had been violated, including their right not to be exposed to racial discrimination, were entitled under the Act on Appeals by Citizens and Legal Persons of 18 July 2011 to bring an appeal before the higher body to which the offending authority or official reported. The procedure, which obviated the need to appeal to the courts, was a simplified one. If the body considering the complaint did not find in the complainant's favour, however, he or she could still turn to the courts.

10. In accordance with the section of the Code of Civil Procedure regarding administrative disputes, individuals who believed that their rights had been violated by a State official or agency were entitled to submit a complaint against the offending party, which would be required to justify its actions. The respondent thus bore the burden of proof.

11. In its Constitution, Belarus recognized the supremacy of universally accepted principles of international law. The international human rights instruments ratified by Belarus could be invoked by the country's courts. In addition, many of the country's laws referred specifically to those instruments and their applicability in the domestic legal system.

12. **Mr. Tamilchyk** (Belarus) said that the educational system in Belarus was comparable to those of the world's most developed countries. Literacy rates were very high, for instance, and access to secondary or vocational education was nearly universal. Students who were unable to attend school could pursue their studies at home.

13. National minorities in Belarus were guaranteed equal economic, social and political rights and freedoms, which included the right to choose the language in which their children were raised and educated. From preschool to secondary school, it was possible for special groups of students from minority communities to study the minority language or even to pursue studies in their language.

14. There were four general education schools where classes were taught in Polish and Lithuanian. Jewish students had the opportunity to study in schools where Hebrew was a mandatory subject. The Ministry of Education had developed course plans covering the culture and literature of the country's national minorities. They were available on the Ministry's website.

15. The country's local authorities registered children, including Roma children, to ensure that they attended school, which was free and compulsory. If registered children failed to attend school, their parents or guardians were contacted, and the necessary corrective measures were taken. Roma children attended school on a basis of equality with ethnically Belarusian children. If they dropped out — to get married, for example — they could continue studying at home. The Ministry had not received any complaints of discriminatory treatment of Roma schoolchildren by educators. Foreign nationals under the age of 18 and stateless minors temporarily resident in Belarus had the same educational rights as Belarusian minors.

16. Subjects touching on matters relating to discrimination were studied between the ages of 5 and 11, whereas human rights were covered in courses taken in years 10 and 11. Optional courses dealt with international humanitarian and human rights law.

17. **Mr. Tsayun** (Belarus) said that Belarus played a leading role in global efforts to combat trafficking in persons. His was predominantly a country of origin and transit of trafficking victims, but recently it had also become a country of destination. A number of legal measures had therefore been taken to provide support and assistance to victims. Council of Ministers decision No. 485, for instance, which had been adopted in June 2015, had approved the regulations governing the procedure for identifying the victims or potential victims of trafficking. Amendments to the Criminal Code had been made to ensure that all forms of contemporary slavery were punishable.

18. The maximum sentence for trafficking was a prison term of up to 15 years with confiscation of property. In line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the amended provisions of the Criminal Code covered a range of crimes relating to slavery and trafficking, including forced prostitution, slave labour and the creation and distribution of pornographic material depicting minors. A dozen trafficking routes had been closed off and the Ministry of Internal Affairs was engaged in efforts to better combat and prevent trafficking. To that end, an international study centre had been opened, in cooperation with the International Organization for Migration and, since 2005, training had been provided to police officers and other public servants on migration and human trafficking. Study programmes covered issues such as illegal migration, child pornography and the rehabilitation and reintegration of victims. The Government also cooperated with international organizations and NGOs to combat trafficking.

19. **Mr. Taranda** (Belarus) said that the legal status of just under 6,000 stateless persons living in Belarus was regulated by the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus. Such persons enjoyed certain rights on a par with foreign nationals. Grounds for expulsion included threats to national security, public order or morality. A total of five stateless persons had been deported. Mechanisms did exist, however, to contest decisions on deportation.

20. In the event that the capacity of the three refugee centres in Belarus, each of which provided temporary accommodation for up to 68 persons, was exceeded, material assistance to cover refugees' accommodation costs, up to a certain maximum, was provided under domestic legislation. Legislation on refugees and asylum seekers contained explicit protection against refoulement for asylum seekers, refugees and beneficiaries of complementary protection, and such persons could not be expelled to a country where they risked torture or ill-treatment.

21. Together with the amended Criminal Code, which covered specific crimes, the Counter-Terrorism Act and Anti-Extremism Act made up the legal framework needed to combat extremist violence and terror. Terrorist or extremist organizations could be banned by decision of the Supreme Court. Preventive measures were also implemented and warnings were issued to organizations prior to the enforcement of a ban. Provisions were in place for organizations to contest any warnings issued or bans imposed. The operations of the National Expert Commission, established for the assessment of published content for signs of extremism, had no impact on the freedom of the press.

22. **Mr. Ambrazevich** (Belarus) said that, under the Constitution, census respondents were not obliged to divulge their ethnicity. Thus, statistics on discrimination and on the enjoyment of economic, social and cultural rights were not collected. All ethnic groups were encompassed within the broad concept of "citizens of the Republic of Belarus". In order to address concerns regarding the provisions of Article 14 of the Labour Code, legislators had drawn up a non-exhaustive list of factors of discrimination.

23. Although the advisability of creating a national human rights institution was currently being considered, the consensus was that the existing monitoring system provided sufficient oversight of the legislative framework and the actions of the State. Moreover, under the Act on Appeals by Citizens and Legal Persons, State bodies were obliged to respond to citizens' complaints.

24. With regard to stereotypes pertaining to the Roma community, he noted that the number of Roma in the country had doubled since the previous census in 2009, owing to crises in neighbouring countries. He stressed that measures were taken to guarantee minimum standards for displaced persons.

25. Non-governmental organizations had not participated in the preparation of the State's periodic report. Unfortunately, the State did not always have the resources to exchange views with NGOs. The hate crime statistics for 2016 published on the website of the Organization for Security and Cooperation in Europe were based on data provided by Belarus. The 31 hate crimes recorded in 2016 had included four cases involving damage to property. The methods for investigating motives for hate crimes were set out in the law. If a

given crime was identified as having a motive based on racial or ethnic hatred, it could not be reclassified as any other type of offence.

26. Decree No. 3 on preventing social dependency had been suspended and the Office of the President was considering a new bill, in order to ensure compliance with the provisions of the Constitution. In response to concerns that the Decree placed a disproportionate burden on Roma and other ethnic minorities, he noted that the burden was shared by all citizens, irrespective of their ethnic background.

27. While there were no statistics available on the ethnic background of prisoners, their citizenship was recorded. More than 1,000 foreign nationals were currently held in detention, with Russian citizens comprising the largest group. The State languages of Russian and Belarusian enjoyed equal status. The majority of the population habitually spoke Russian, but State bodies were required to respond to citizens in whichever State language was used. If a person accused of committing a criminal or administrative offence did not understand either of the State languages, an interpreter and defence counsel were provided by the State for the hearing. In civil and economic cases, the interpreter was provided by the parties concerned. Although the legal literacy plan had come to an end in 2015, the practice of providing regular free consultations at legal practices and university law faculties had been maintained.

The meeting was suspended at 11.25 a.m. and resumed at 11.40 a.m.

28. **Ms. Li** Yanduan (Country Rapporteur) asked the delegation to provide more information about specific cases in which the legislation mentioned had been applied. The Committee would appreciate answers to all the questions asked.

29. **Mr. Marugán** said that he would like to know why the delegation referred to laws on combating extremism or terrorist organizations, which were not mentioned in the Convention, rather than laws addressing incitement to racial discrimination and hatred and organizations that committed racially motivated crimes. He asked what procedures were in place to tackle racist organizations. The lack of clarity in the law on combating hate speech was a cause of concern, in particular with reference to the Committee's general recommendation No. 35 on combating racist hate speech.

30. No statistics had been made available on the remedies provided to victims of racial discrimination, nor had details been provided of cases in which the Convention had been directly invoked by the courts. He requested clarification with regard to the 83 cases referred to by the head of delegation and the legislation applied in those cases. The Organization for Security and Cooperation in Europe web page did not contain data on hate crimes committed in 2016 as the cases mentioned dated back to 2015. Could the delegation provide that information, including the number of crimes involving incitement to racial discrimination or hatred, or to racially motivated killings. No response had been received to his question about the alleged application, in some cases, of article 130 of the Criminal Code for political reasons. He asked whether the Procurator had initiated any ex officio proceedings. Details should be provided on press and media regulation, and the punishments for spreading hate speech.

31. **Ms. Dah** said that, if racial discrimination was addressed through a broader anti-discrimination act, that act should contain all the elements set out in article 1 of the Convention. More information should be provided on the procedure for dealing with complaints, including whether there was a higher authority responsible for processing them, the time frames involved and what recourse was available in cases where the response to a complaint was not satisfactory. She requested clarification of the circumstances in which the burden of proof was reversed. The delegation should explain how it was ensured that national history teaching in schools was appropriate and did not undermine national unity. With respect to the lack of a national human rights institution, she asked how the State party ensured the actual enjoyment of human rights. The delegation should indicate whether it had found past consultations with NGOs, for example those held in relation to the universal periodic review process, useful.

32. **Mr. Ambrazevich** (Belarus) said that it was not the legal practice of his country to refer directly to the Convention in court decisions. In general, international instruments had

been incorporated into domestic law, references to which were no less effective than references to those international instruments.

33. The Anti-Extremism Act defined extremist activities as the activities of national or foreign citizens or stateless persons, political parties, religious organizations or civil society organizations to plan or prepare acts intended to incite racial, ethnic, religious or other social enmity or conflict. Racist organizations were therefore considered extremist organizations and measures were taken to ban and disband them. That Act was also used to take action in relation to the media, Internet resources, groups on social networks and printed material. The Ministry of Information was responsible for monitoring the contents of video, radio and print materials. Once an expert committee had evaluated the material, the Ministry could issue the content provider concerned with a warning, launch proceedings against it or order its closure or dissolution.

34. No data were available on compensation awarded in relation to cases of racial or ethnic discrimination. Textbooks were standardized and history, like other subjects, was taught according to the State curriculum. While each teacher and educational establishment was responsible for developing its own teaching plans, they were subject to regular reporting, which ensured a common approach to the teaching of history at the secondary and tertiary levels.

35. With respect to NGOs, the question was rather whether NGOs were satisfied with the Government. His country was just starting to work with NGOs and had taken a number of measures to increase their involvement in State decision-making. Low awareness of the ombudsman in countries that had one cast doubt on the institution's usefulness. Statistics regarding the effectiveness of national human rights institutions in other countries could help his Government reach a decision in that regard.

36. **Mr. Golubitsky** (Belarus) said that the procedure for handling complaints from citizens received by State bodies was regulated in some detail by law. State bodies were required to examine complaints within 15 days, with any additional time limited to 30 days. If no response was received to a complaint, or the response was unsatisfactory, an appeal could be lodged with the court. The Civil Procedural Code contained a section on cases arising from administrative legal relations and the time frame for considering such appeals was one month. In addition, a presidential decree provided information about where citizens could file complaints. The Office of the President also examined citizens' complaints, of which it received thousands every year.

37. **Mr. Ambrazevich** (Belarus) said that, taken together, the Anti-Extremism Act, the Criminal Code and the amendments made to that Code in relation to the Counter-Terrorism Act fully covered racial and religious intolerance in accordance with article 4 of the Convention. Article 130 of the Criminal Code provided that the wilful incitement to religious or racial enmity or denigration of ethnic dignity was punishable by a range of measures, including deprivation of liberty, and provision was made for the abuse of state authority in that regard. If the acts resulted in death, the offence was punishable by a prison term of 12 years. One person had been sentenced under that article.

38. **Mr. Avtonomov**, drawing attention to the Committee's general comment No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, said that he would encourage the State party to give further consideration to instituting a single fully independent national human rights institution with a broad mandate for the promotion and protection of human rights, including receiving and processing complaints from individuals, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). He wished to know more about the Roma groups in the country, in particular whether they were settled in specific areas or maintained a nomadic way of life. Lastly, he asked whether the State party intended to participate in the International Decade for People of African Descent and whether it planned to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

39. **Mr. Murillo Martínez**, while commending the State party for the 98 per cent coverage it had achieved in secondary education, said that he would be interested to know more about the 2 per cent of children who were not covered, in particular whether they

were from ethnic-minority backgrounds. He likewise wished to know what proportion of ethnic minorities were in tertiary education. The State party should provide specific data regarding the numbers of foreign persons deprived of liberty in Belarus, disaggregated by nationality, offence committed and sentence imposed in its next periodic report. Such data were often a good indicator of the prevalence of racial discrimination in a country. Lastly, he wished to know whether the amended Counter-Terrorism Act took account of extremist acts with racial overtones and, if so, whether such incidents could be categorized and treated as racially motivated domestic terrorism.

40. **Mr. Amir** said that he wished to know to what extent education was provided in the Roma language; whether it sufficiently prepared Roma students for inclusion in the labour market; whether they were able to seek employment without having to learn Belarusian or Russian; and whether they were employed in the public sector. In that connection, he wondered to what extent the Roma population was well integrated into society.

41. **Ms. Li** Yanduan asked whether the State party intended to become a party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

42. **The Chair** said that she wished to know whether the State party had identified any differences in the quality of education provided to ethnic minorities and, if so, how it tackled them. It would be useful to know more about the types of occupations in which Roma persons were employed and, in particular, the proportion of ethnic minorities employed in the public sector and their positions of employment.

43. **Mr. Ambrazevich** (Belarus) said that his country was already participating in the International Decade for People of African Descent and had recently attended the regional seminar held in Geneva. As far as ratification of ILO Convention No. 189 was concerned, Belarusians were not generally in a position to employ foreign domestic workers and, thus, it was not currently a high priority. The situation was and would continue to be monitored; however, there had been no reports of abuse of the few domestic workers there were.

44. The Roma community led a largely nomadic way of life in Belarus. As regards education, certain classes were available in the Roma language, but not the entire curriculum. However, the notion that educational quality could differ depending on a child's ethnicity was unheard of in his country. All children were treated equally, no matter what their background was. All persons could access higher education: information regarding an applicant's ethnicity was never asked; thus, there was no issue in that regard. Similarly, there were no restrictions on access to the labour market for ethnic minorities, so long as they met the specifications and possessed the relevant skills. To work in the public sector, however, Belarussian and Russian language skills were required.

45. While Belarus had its fair share of negative stereotypes and prejudices against certain ethnic minorities, there were no racial tensions. The country had a proud history of tolerance and an absence of inter-ethnic or religious conflict. That said, every effort was being made to tackle negative stereotypes by working with, among others, the media. Lastly, the Government was giving consideration to the prospect of ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

46. **Mr. Tamilchyk** (Belarus) said that the 2 per cent of the population not in secondary education included persons who were physically unable to study owing to a medical condition.

47. **Ms. Li** Yanduan said that she wished to thank the delegation for the useful, candid and constructive dialogue with the Committee. She welcomed the progress made and expressed the hope that the Committee's comments, questions and forthcoming concluding observations would serve as the basis for yet more positive developments in the country ahead of the next dialogue with the Committee.

48. **Mr. Ambrazevich** (Belarus) said that he wished to thank the Committee for what had been an interesting exchange and expressed his appreciation for the Committee's willingness to understand the specificities of Belarus. The country routinely met its treaty body reporting obligations and the preparation of periodic reports to some extent provided a

stress test for the Government, enabling it to identify weaknesses and take appropriate measures.

The meeting rose at 12.55 p.m.

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